

Message Text

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C O N F I D E N T I A L JIDDA 5563

E.O. 11652: GDS
TAGS: MARR, SA, US
SUBJECT: USMTM MEMORANDUM OF UNDERSTANDING

1. I COMMENCED DISCUSSION OF THIS MOU WITH UNDER SECRETARY POLITICAL AFFAIRS MANSOURI AUGUST 11. WE HAD ARRANGED TO MEET WITH A VIEW TO REACHING AGREEMENT EVENTUALLY ON ARTICLE 8 AND ANY OTHER MATTERS HE OR I DESIRE TO BRING UP. HE SAID HIS PREFERENCE WOULD BE TO CONTINUE ON ONE-TO-ONE BASIS WITHOUT INTRODUCTION OF ADDITIONAL "EXPERTS" UNLESS NEED ARISES. I SAID THAT CONCEPT GAVE ME NO TROUBLE.

2. I FIRST SET FORTH FOR HIM OUR PREFERENCE FOR AN AGREEMENT ON ARTICLE 8 SIMILAR TO THAT PROVIDED FOR IN THE 1965 AGREEMENT ON THE US CORPS OF ENGINEERS (COE). THAT AGREEMENT HAD FUNCTIONED WELL AND IT WAS THEREFORE NATURAL FOR US TO PROPOSE IT IN THE CASE OF USMTM. THERE WERE OBVIOUS CONVENIENCES TO BE DERIVED FROM HAVING ONE AGREEMENT COVER THE STATUS OF ALL AMERICAN GROUPS, AND I SAID THAT I WOULD BE GLAD TO DISCUSS THAT WITH HIM. HE SAID THAT THE NATURE OF THE MOU FOR USMTM WOULD BE DIFFERENT THAN THAT OF THE AGREEMENT COVERING THE COE. IN THE LIGHT OF THIS CONFIRMATION OF SAG RELUCTANCE TO COVER USMTM WITH A COE-TYPE AGREEMENT, I WENT AHEAD AND SET FORTH FOR HIM THE HISTORY OF THE PRESENT NEGOTIATIONS ON THE MOU, COMMENTING THAT ARTICLE 8 APPEARED TO BE THE

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ONLY PART OF IT ON WHICH AGREEMENT HAD NOT BEEN REACHED BY

MODA AND USMTM. HE SAID THAT WAS HIS UNDERSTANDING ALSO OF WHERE THINGS STOOD.

3. I HANDED HIM ENGLISH TEXT AND UNOFFICIAL ARABIC TRANSLATION OF MOU MINUS ARTICLE 8, AND ON SEPARATE PIECE OF PAPER TEXT OF OUR PROPOSAL FOR THAT ARTICLE AS OUTLINED IN STATE 187552. HE LOOKED AT THE DRAFT OF ARTICLE 8, THEN COMMENTED THAT HE WOULD SAY A FEW WORDS WITH REGARD TO HIS THINKING AT THIS POINT. HE ASKED ME TO PROVIDE HIM WITH A LIST OF "THE PRIVILEGES AND IMMUNITIES WHICH ARE ACCORDED UNDER CUSTOMARY INTERNATIONAL LAW TO THE ADMINISTRATIVE AND TECHNICAL STAFF OF DIPLOMATIC MISSIONS." HE UNDERSTOOD THAT US GOVT REGARDS THE VIENNA CONVENTION AS DECLARATIVE OF CUSTOMARY INTERNATIONAL LAW IN MOST MATERIAL RESPECTS. I SAID AT OUR NEXT MEETING OR EARLIER THAN THAT I WOULD PROVIDE HIM WITH COMMENT PERTAINING TO HIS REQUEST.

4. MANSOURI THEN SAID HE WANTED TO EXAMINE ON HIS SIDE THE POSSIBLE USEFULNESS OF APPROACHING ARTICLE 8 ON BASIS OF PRIVILEGES AND IMMUNITIES EXTENDED TO ADMINISTRATIVE AND TECHNICAL PERSONNEL OF THE UNITED NATIONS WHO ARE WORKING IN SAUDI ARABIA. HE WANTS TO COMPARE, HE SAID, THEIR SITUATION WITH THAT WHICH WOULD EXIST FOR AMERICAN TECHNICAL AND ADMINISTRATIVE PERSONNEL OF USMTM UNDER OUR PROPOSED ARTICLE 8. HE WENT ON TO SAY THAT WHILE PEOPLE GENERALLY REFER TO "DIPLOMATIC IMMUNITIES AND PRIVILEGES," THERE ARE MANY CATEGORIES OF PERSONNEL TO WHOM IMMUNITY AND PRIVILEGES OF ONE KIND OR ANOTHER ARE ACCORDED, AS, FOR EXAMPLE, PARLIAMENTARY, JUDICIAL AND UNITED NATIONS PERSONNEL, AS WELL AS OF COURSE THOSE IMMUNITIES AND PRIVILEGES GRANTED TO THE DIPLOMATIC CORPS.

5. I SAID THAT IN APPROACHING THE MATTER WE ARE LOOKING AT THE VIENNA CONVENTION AND OF COURSE AT THE MANY MILITARY MISSION AGREEMENTS ON THE SUBJECT THROUGHOUT THE WORLD WHICH GRANT TO MILITARY ADVISORY GROUP PERSONNEL THE PRIVILEGES EXTENDED TO ADMINISTRATIVE AND TECHNICAL STAFFS OF DIPLOMATIC MISSIONS. OUR APPROACH IS INTENDED TO BE RELATIVELY SIMPLE, I SAID.

6. MANSOURI THEN MADE MENTION OF HIS DESIRE TO EXAMINE OTHER POSSIBILITIES FOR COVERING THE STATUS OF USMTM AMERICAN

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PERSONNEL BECAUSE, AS HE PUT IT, THE MINISTRY OF DEFENSE WOULD PREFER TO AVOID GIVING THE IMPRESSION THAT LARGE NUMBERS OF AMERICAN PERSONNEL ARE COVERED BY "DIPLOMATIC" ARRANGEMENTS IF OTHER ARRANGEMENTS WOULD BE ADEQUATE. HE SAID HE WOULD RESEARCH THE STATUS OF UN PERSONNEL AS HE HAD INDICATED, AND WOULD PROVIDE ME WITH MATERIAL IN THAT CONNECTION.

7. MANSOURI WENT ON TO SAY THAT HE HAD IN MIND PUTTING

IMMUNITIES AND PRIVILEGES ON A FUNCTIONAL BASIS, COVERING PERSONS CONCERNED TO THE EXTENT THAT THEY ARE PERFORMING THEIR FUNCTIONS. THUS, HE SAID, A MEMBER OF A GROUP TO WHICH IMMUNITIES AND PRIVILEGES HAD BEEN EXTENDED WOULD BE COVERED IF HE CAUSED DAMAGE IN AN ACCIDENT INVOLVING OTHERS WHILE CARRYING OUT HIS FUNCTIONS EN ROUTE TO WORK, AT HIS JOB, OR RETURNING TO HIS QUARTERS FROM HIS JOB. SUCH PERSONS WOULD NOT, FOR EXAMPLE, BE COVERED WHILE THEY ARE AWAY FROM THEIR FUNCTIONS, ON A PICNIC, OR "RIDING AROUND WITH THEIR GIRLFRIEND."

8. HE ALSO WISHED TO EXAMINE THE NEED TO MAKE SPECIFIC DISTINCTIONS BETWEEN CIVIL AND CRIMINAL OFFENSES, AND TO DEVELOP SPECIFIC COVERAGE TERMS FOR CIVILIAN, MILITARY, AND NON-AMERICAN FOREIGN EMPLOYEES. THERE WOULD, OF COUSE, BE NO IMMUNITIES OR PRIVILEGES GRANTED TO SAUDI NATIONAL WORKING FOR USMTM.

9. I SAID I WAS PLEASED TO HAVE HIS COMMENTS AND HOPED WE COULD PROCEED IN MANNER WHICH WOULD CONFORM TO ARRANGEMENTS WHICH HAD BEEN FOUND SATISFACTORY IN MANY CIRCUMSTANCES. MANSOURI COMMENTED AT THAT POINT THAT AS FAR AS HE WAS CONCERNED HE WAS SIMPLY INDICATING SOME AREAS HE WISHED TO EXAMINE, AND IT MIGHT TURN OUT, AFTER HE HAD DONE THAT, THAT OUR PROPOSAL FOR ARTICLE 8 WOULD SEEM MOST PRACTICAL.

10. WE AGREED THEN TO MEET WHEN EITHER OF US HAS MORE TO SAY ON THE SUBJECT.
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